



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Pam Shannon
Clearinghouse Director

Scott Grosz and Jessica Karls-Ruplinger
Clearinghouse Assistant Directors

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 12-019

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated November 2011.]

2. Form, Style and Placement in Administrative Code

a. In the introductory clause, “to repeal and recreate Figures 1 to 6 of ch. Trans 114;” should be inserted before “and to create”. [s. 1.02 (1), Manual.] However, if Figures 2 and 3 are not modified, as discussed in comment b., below, “to repeal and recreate Figures 1, 4, 5, and 6 of ch. Trans 114;” should be inserted before “and to create” in the introductory clause.

b. The plain language analysis of the rule summary indicates that Figures 1, 4, 5, and 6 of ch. Trans 114 are modified. If Figures 2 and 3 are not modified, they should not be repealed and recreated in the proposed rule, and the introductory clause and proposed rule should only reflect the repeal and recreation of Figures 1, 4, 5, and 6. [See comment a.]

c. In s. Trans 114.03 (title), the title should be in bold print. [s. 1.05 (2) (b), Manual.]

d. The agency might consider placing the text that is created in SECTION 3 in a different section of ch. Trans 114 (i.e., not s. Trans 114.07, which relates to the use of uniform traffic citations). The additional requirements created by SECTION 3 have little to do with the *use* of uniform traffic citations and do not relate much to the existing subsections of s. Trans 114.07. Perhaps the text in SECTION 3 would fit better in s. Trans 114.06, as a new subsection, or in a newly created section of the chapter.

e. Section Trans 114.07 (2) requires all uniform traffic citation forms printed after July 1, 2003, to conform to the form requirements in s. Trans 114.06. Section Trans 114.06 requires

that traffic citations contain certain information in a set format and references Figures 1 to 6. Creating new Figures 1 to 6, thus new requirements under s. Trans 114.06, may mean that some forms printed after July 1, 2003, do not conform to the new requirements of s. Trans 114.06. To address this issue, the agency should specify when the changes made to the uniform traffic citation forms in the proposed rule first apply. For example, the agency could use an initial applicability clause that follows s. 1.02 (3m), Manual.

f. The effective date section should be set forth as a numbered SECTION (i.e., SECTION 5). [s. 1.02 (4) (d), Manual.]

4. Adequacy of References to Related Statutes, Rules and Forms

In the explanation of agency authority section of the rule summary, “345.11 (5)” should be replaced with “345.11 (4)”.